UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,807	09/28/2001	Ashley K. Sexton	N2235	3092

23456 7590 03/09/2007		
WADDEY & PATTERSON, P.C.	EXAMINER	
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NASHVILLE, TN 37203		

ART UNIT	PAPER NUMBER
3629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 July 2006</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This is in reference to amendment received 03 July 2006. Claims 1 – 32 are

pending for examination.

Response to Arguments

In response to applicant's argument that the data stored is functionally related,

however, applicant's claimed invention is merely data field for storing information.

Applicant's claimed invention does not claim any means or method of relating the data

for generating an output. Applicant's claimed invention is merely data storage with data

which has an intent of use but actually does not use the data.

Applicant's other concerns and argument in response to amended claims are

responded to in response to the pending claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Realtor Workstation hereinafter known as Realtor in view of Metropolitan Regional

Information Systems, Inc. hereinafter known as MRIS.

With respect to the recitation in claims 1 - 32 defining what kind of data is being

stored on the database, this is considered to be non-functional descriptive material that

does not distinguish (define) over the applied prior art. Since the instant claims are

article claims and the type of data claimed is considered to be non-functional descriptive

material, the applied prior art satisfies the claim. The prior art stores data and is fully

capable of storing the claimed type of data, this is the extend to which weight will be

given to the claimed data. When descriptive material is not functionally related to the

article, the descriptive material will not distinguish the invention from the prior art in

terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Applicant's claimed invention is for a system that has a database, a user

interface for getting user input, has a portfolio interface which is operatively associated

with the user interface and an administrative interface. Applicant has not positively

claimed system capable for receiving user input, processing the user input to generate a

result for the user. Applicant's invention does not positively claim using the data.

Regarding claim 1, Realtor teaches a computerized real estate information

system accessible via a computer network for selectively providing information to users

concerning real estate properties. Realtor does not explicitly teach a computer database

of information corresponding to real estate properties (design choice). However, Realtor

teaches using database [Realtor, page 1, 3]. MRIS teaches computer database of information corresponding to real estate properties [Realtor, page 45].

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Realtor as taught by MRIS to store large amount of data for dynamic storage and retrieval of data at later time.

Realtor in view of MRIS teaches:

a user access interface operatively associated with the database for selectively accessing the database information (Realtor user interface)

a portal to a global computer network (data center) [MRIS page 45]

a plurality of search data entry fields accessible via the portal for inputting desired search criteria for comparison to the database information to yield at least one search result corresponding to a subset of the database information that matches the input search criteria [Realtor, page 17 – 19],

a search result display that visually presents the search result [Realtor, page 19],

first package data entry fields for selecting desired database information for inclusion in a first package of information corresponding to a desired real estate property [Realtor, page 24, 25], and

at least one first package output field for selecting a desired first package output format [Realtor, page 28, 35];

a portfolio interface operatively associated with the user interface for organizing information concerning selected ones of the real estate properties, the portfolio interface including (design choice)

a plurality of portfolio folders for storing selected database information

corresponding to at least one of the real estate properties (data center, personal

database) [Realtor, page 3, 7, MRIS page 45, 46], and

a plurality of folder tools associated with each of the portfolio folders, the folder

tools including (Realtor teaches capability for generating different kinds of search

results).

second package data entry fields for selecting desired database information for

inclusion in a second package of information corresponding to a desired real estate

property, and

at least one second package output field for selecting a desired package output

format; and

an administrative interface for entering the information corresponding to the real

estate properties into the database and for editing the information (data input) [Realtor,

page 1].

Regarding claim 2, Realtor in view of MRIS teaches information corresponding to

real estate properties comprises photographs of properties, text, and maps [Realtor,

page 26].

Regarding claim 3, Realtor in view of MRIS teaches photographs for each

property comprises at least one aerial photograph (applicant is claiming data content).

Regarding claim 4, Realtor in view of MRIS teaches aerial photographs of a property further includes a highlighted border substantially corresponding to property lines of the property (applicant is claiming data content) [Realtor, page 26].

Regarding claim 5, Realtor in view of MRIS teaches aerial photographs includes text identifying one or more features proximate to the property, the features being selected from the group consisting of street names (applicant is claiming data content) [Realtor, page 26].

Regarding claim 6, Realtor in view of MRIS teaches text is selected from the group consisting address information, property types, price, property age (applicant is claiming data content) [Realtor, page 26].

Regarding claim 7, Realtor in view of MRIS teaches maps comprise maps of demographic information for areas proximate a selected real property (applicant is claiming data content) [Realtor, page 8, 26].

Regarding claim 8, Realtor in view of MRIS teaches maps selected from the group consisting of roads (applicant is claiming data content).

Regarding claim 9, Realtor in view of MRIS teaches desired search criteria is selected from the group consisting of address information, property types, price (applicant is claiming data content).

Regarding claim 10, Realtor in view of MRIS teaches search data entry fields are selected from the group consisting of address information, property types, price (applicant is claiming data content).

Regarding claim 11, Realtor in view of MRIS teaches search result display comprises a display having an images section, a description section, a utilities section, a transaction section, a contact section, a community section, and a map section (applicant is claiming data content).

Regarding claim 12, Realtor in view of MRIS teaches image section comprises a photograph.

Regarding claim 13, Realtor in view of MRIS teaches description section includes textual information selected from the group consisting of address information, property types, price (applicant is claiming data content).

Regarding claim 14, Realtor in view of MRIS teaches utilities section includes textual information corresponding to utilities selected from the group consisting of gas, electricity, water, and sewer (applicant is claiming data content).

Regarding claim 15, Realtor in view of MRIS teaches transaction section includes textual information corresponding to transaction types selected from the group consisting of sales (applicant is claiming data content).

Regarding claim 16, Realtor in view of MRIS teaches contact section includes textual information selected from the group consisting of names, phone number (applicant is claiming data content).

Regarding claim 17, Realtor in view of MRIS does not teach community section includes information corresponding to media providers from the group consisting of radio and television stations and newspapers. However, it would have obvious to one of ordinary skill in the art at the time the invention was made that businesses have provided links on their user interfaces to allow user to get information directly from the linked site.

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Realtor in view of MRIS and provide link on user interface to allow user to get information directly from linked site. For example, e-shopping sites providing links to business partners.

Regarding claim 18, Realtor in view of MRIS teaches map section includes maps

of information selected from the group consisting of roads (applicant is claiming data

content).

Regarding claim 19, Realtor in view of MRIS teaches a demographic section

having information demographic information selected from the group consisting of

gender, age, race, ethnicity, income, and spending (applicant is claiming data content).

Regarding claim 20, Realtor in view of MRIS teaches first package data entry

fields are selected from the group consisting of maps.

Regarding claim 21, Realtor in view of MRIS teaches first package includes

printed pages containing information selected from the group consisting of maps.

Regarding claim 22, Realtor in view of MRIS teaches first package output field is

selected from the group consisting of print.

Regarding claim 23, Realtor in view of MRIS teaches portfolio folder comprises a

search storage folder containing a subset of the database information that matches

input search criteria.

Regarding claim 24, Realtor in view of MRIS teaches user is a listing user and the portfolio folder comprises a folder containing property information to be approved by the listing user (obvious, Realtor data input by user is approved by user to be listed in MLS).

Regarding claim 25, Realtor in view of MRIS teaches second package data entry fields are selected from the group consisting of maps (Realtor teaches Map Selection).

Regarding claim 26, Realtor in view of MRIS teaches second package includes printed pages containing information selected from the group consisting of maps (applicant is claiming data content).

Regarding claim 27, Realtor in view of MRIS teaches second package output field is selected from the group consisting of print (Realtor in view of MRIS teaches print capability).

Regarding claim 28, Realtor in view of MRIS teaches second field comprises electronic mailing of a package (Realtor teaches export functionality).

Regarding claim 29, Realtor in view of MRIS teaches capability wherein user is a listing user and the portfolio folder comprises a collection of all listed properties for the listing user and includes information corresponding to the length of time each listed

property of the listing user has been listed, when properties have been sold, how many

other users have viewed, printed or e-mailed information relating to a particular

property, and how many e-mails and other communications the listing user has sent

concerning each property (applicant is claiming data content).

Regarding claim 30, Realtor in view of MRIS teaches second package comprises

statistical information corresponding to marketing efforts of the listing user for properties

listed by the listing user, the statistical information being selected from the group

consisting of the length of time each listed property of the listing user has been listed,

when properties have been sold, how many other users have viewed, printed or e-

mailed information relating to a particular property, and how many e-mails and other

communications the listing user has sent concerning each property (applicant is

claiming data content).

Regarding claim 31, Realtor in view of MRIS teaches login interface that limits

access to the portfolio interface and the administrative interface (Realtor teaches user

login to control user access)

Regarding claim 32, as responded to earlier, Realtor teaches real estate

information system accessible via a computer network for selectively providing

information to users concerning real estate properties. Realtor does not explicitly teach

a computer database of information corresponding to real estate properties. However,

Realtor teaches using database [Realtor, page 1, 3]. MRIS teaches computer database

of information corresponding to real estate properties [Realtor, page 45].

Therefore it would have been obvious to one of ordinary skill in the art at the time

invention was made to modify Realtor as taught by MRIS to store large amount of data

for dynamic retrieval at later time.

Realtor in view of MRIS teaches:

a user access interface operatively associated with the database for selectively

accessing the database information,

a portfolio interface operatively associated with the user interface for organizing

information concerning selected ones of the real estate properties,

an administrative interface for entering the information corresponding to the real

estate properties into the database and for editing the information, wherein the portfolio

interface is accessible via a login interface and includes tools to select information from

the database and to generate a package corresponding to the selected information,

wherein package includes printed pages containing information selected from the

group consisting of maps (applicant is claiming user query fields as their claimed

invention).

wherein package comprises statistical information corresponding to marketing

efforts of the listing user for properties listed by the listing user, the statistical

information being selected from the group consisting of the length of time each listed

property of the listing user has been listed, when properties have been sold, how many

other users have viewed, printed or e-mailed information relating to a particular

property, and how many e-mails and other communications the listing user has sent

concerning each property (applicant is claiming data content).

Conclusion

Applicant is required under 37 CRF '1.111 (c) to consider the references fully

when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
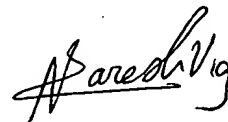
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Naresh Vig
Examiner
Art Unit 3629

February 20, 2007